

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 17, No. 27 July 2, 1998 Pages 1047-1078

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Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of July 6 through July 19:

Date	Room	Time	Committee	Agenda
July 7	1st Floor Hearing Room, KCC	10:00 a.m.	Kansas Universal Service Fund (KUSF) Working Committee	Discussion of public policy statements; update on status of telecommunications competition in Kansas; overview of federal and state universal service funding; status reports of subcommittees.
July 7	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review proposed rules and regulations noticed for hearing by the Board of Accountancy, SRS, Dept. of Wildlife and Parks, KDHE, Board of Healing Arts and Board of Nursing. Discussion of dams with Division of Water Resources.
July 8	519-S	9:00 a.m.	Legislative Post Audit Committee	Legislative matters.
July 13 July 14	123-S 514-S	10:00 a.m. 9:00 a.m.	Legislative Budget Committee	Agenda not available.
July 14	123-S	10:00 a.m.	Legislative Coordinating Council	Legislative matters.
July 15	519-S	9:00 a.m.	Joint Committee on Information Technology	Agenda not available.
July 15 July 16	514-S 514-S	9:00 a.m. 9:00 a.m.	Legislative Educational Planning Committee	Agenda not available.

Jeff Russell Director of Legislative Administrative Services

Doc. No. 022621

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Board of Emergency Medical Services

Notice of Committee Meeting

The Education and Examination Committee of the Board of Emergency Medical Services will meet from 10 a.m. to 5 p.m. Thursday, July 23, at the Kansas Highway Patrol Training Academy, Troop J, 2025 E. Iron Ave., Salina. A copy of the agenda may be obtained by contacting the board office at 109 S.W. 6th, Topeka, 66603-3826, (785) 296-7296. All board and committee meetings are open to the public.

Bob McDaneld Administrator

Doc. No. 022602

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

Rice County Attorney

Matthew T. Treaster, 539 S. Quail Court, Newton, 67114. Term expires when a successor is elected and qualifies according to law. Succeeds Dwight Radke, resigned.

Credit Union Council

Steven J. Bogart, 824 Blueberry St., Lansing, 66043. Term expires March 15, 2001. Reappointed.

David A. Dick, 1031 Wheatland Drive, Buhler, 67522. Term expires March 15, 2001. Succeeds Orletha Martens.

Board of Emergency Medical Services

J.R. Behan, P.O. Box 425, Elkhart, 67950. Term expires May 31, 2002. Succeeds Marleen Fairchild.

Johnna Lingle, 7022 Caenen, Shawnee Mission, 66216. Term expires May 31, 2002. Reappointed.

James E. McClain, 106 W. Benedict, P.O. Box 66, Bennington, 66422. Term expires May 31, 2002. Reappointed.

Supreme Court Nominating Commission

Debbie L. Nordling, HC 01, Box 2AA, Hugoton, 67951. Term expires June 30, 2002. Succeeds Carolyn Bird.

Kansas Water Authority

Gerald T. Blain, 1815 W. Pine, Wichita, 67203. Term expires May 1, 2002. Succeeds Alan Crane.

William R. Hamm, 5122 N.E. 72nd St., Walton, 67151. Term expires May 1, 2002. Reappointed.

Sharon F. Steele, 1045 Villa Vista Drive, Colby, 67701. Term expires January 15, 2000. Succeeds Judith Willingham.

Ron Thornburgh Secretary of State State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will conduct its quarterly meeting Thursday, July 9, and Friday, July 10, at the Eisenhower Elementary School, 1100 Eisenhower Drive, Norton. The Conservation and Marketing Committee and the Quality Committee will meet concurrently at 9 a.m. July 9, followed by concurrent meetings of the Planning and Management Committee and the Education Committee at 1 p.m. The full Authority will meet at 8:30 a.m. July 10 to receive the Kansas Water Office director's report and reports from the committee meetings of the previous day.

An agenda and other details of the meeting are available from the Kansas Water Office, 109 S.W. 9th, Topeka, 66612-1249, (785) 296-3185 or toll free at (888) KAN-WA-TER. If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at the above address at least two days prior to the meeting.

Kent Lamb Chairman

Doc. No. 022629

State of Kansas

Office of the Governor

Executive Order No. 98-3

WHEREAS, on June 8, 1998, a fire at the Kansas City, Kansas, Department of Corrections' Parole Office caused damage estimated at \$125,000 - \$130,000; and

WHEREAS, the investigation by the Kansas Fire Marshal's Office revealed arson was the likely cause of the fire and

WHEREAS, a second fire, also believed to be intentionally set, occurred on June 18, 1998, in the temporary office space of the Kansas City, Kansas, Department of Corrections' Parole Office causing in excess of \$40,000 in damages to the building and contents; and

WHEREAS, the offer of a reward will enhance the efforts of the agencies and officers involved in the investigation in this heinous crime;

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, Bill Graves, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (5,000.00) for information leading to the arrest and conviction of the person or persons responsible for these fires.

This document shall be filed with the Secretary of State as Executive Order No. 98-3, and shall become effective immediately.

Dated June 19, 1998.

Bill Graves Governor Attest: Ron Thornburgh Secretary of State

Doc. No. 022612

Attorney General

Opinion No. 98-32

State Departments; Public Officers and Employees—State Moneys—Investment Accounts; Types; Procedures; Requirements; Alternatives Authorized; Limitations; Director of Investments to Invest and Reinvest Moneys; Rates and Regulations. Clyde D. Graeber, State Treasurer, Topeka, June 12, 1998.

The Director of Investments of the Pooled Money Investment Board is authorized to invest state moneys in tri-party repurchase agreements under K.S.A. 75-4207(a)(2) if certain conditions set forth herein are met. Cited herein: K.S.A. 12-1675; 75-4201; 75-4205; 75-4209; 75-4232; 75-4234, as amended by 1998 HB 2612, §5; K.A.R. 122-1-1; 122-3-7; 11 U.S.C. § 101. NLU

Carla J. Stovall Attorney General

Doc. No. 022623

State of Kansas

Department of Administration Division of Architectural Services

Notice of Commencement of Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services to replace one steam generator boiler and two standby power generators in the power plant at the Larned State Hospital. The new boiler steam load is to be approximately 28,000 pounds per hour. The approximate size of each generator is to be 750 KW. The estimated construction cost is \$700,000.

For information regarding the scope of services, contact Gary LaShell, Architectural Consultant, Department of Social and Rehabilitation Services, (785) 296-3771.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. July 17.

Thaine Hoffman, AIA Director, Division of Architectural Services

Doc. No. 022609

State of Kansas

Department of Administration Division of Architectural Services

Revised Notice of Commencement of Negotiations for Architectural Services

A notice of commencement of negotiations for architectural services for a Reception and Diagnostic Unit for the Kansas Department of Corrections was published June 18, 1998. Expressions of interest were to be submitted before 5 p.m. July 3, which is a state holiday. Expressions of interest and the SF 255 submittals may be submitted before 5 p.m. July 6.

Thaine Hoffman, AIA
Director/Division of

Doc. No. 022611

State of Kansas

Department of Administration Division of Architectural Services

Notice of Commencement of Market Negotiations for Architectural Services Actions

Notice is hereby given of the commencement of negotiations for complete architectural services for construction of two buildings for the Kansas Department of Transportation. The projects are as follows:

New area shop building in Kansas City,
Kansas; project budget: \$2,230,000

 New Kansas Highway Patrol Troop D Headquarters Building in Hays; project budget: \$1,225,000

A separate architectural firm will be selected for each project.

For information regarding the scope of services, contact Jaci Vogel, Maintenance Staff Engineer, Bureau of Construction and Maintenance, Department of Transportation, (785) 296-3576.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. July 17.

Thaine Hoffman, AIA Director, Division of Architectural Services

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Wednesday, July 8, 1998

33171

State Corporation Commission— Harbaugh-Epicenter-Wildboys Remediation Project

Friday, July 10, 1998

7884

Department of Agriculture— Moving services

Monday, July 13, 1998

33166

Lansing Correctional Facility—Painting supplies 33167

University of Kansas—Janitorial chemicals-dilution control system

Tuesday, July 14, 1998

33169

Kansas State University—Miscellaneous groceries 33180

Adjutant General's Department—Licensed security guard services

Wednesday, July 15, 1998

33116-R

University of Kansas Medical Center—Licensed security guard services, Wichita

Monday, July 20, 1998

33179

Kansas Department of Transportation—Street sweeping service, Wichita

Thursday, July 23, 1998

A-8104 (E)

El Dorado Correctional Facility—Concrete trench tops for replacement of thermal piping system

A-8320

University of Kansas—Emergency lighting improvements, Spencer Museum of Art

Thursday, August 6, 1998

A-8075

University of Kansas—Addition and partial remodel, Murphy Hall

Request for Proposals Tuesday, July 21, 1998 33176

Comprehensive Facilities Management System for the Department of Administration, Division of Facilities Management

John T. Houlihan Director of Purchases State of Kansas

Commission on Disability Concerns

Notice of Meeting

The Kansas Commission on Disability Concerns will conduct its quarterly board meeting from 9:30 a.m. to 4 p.m. Friday, July 10, in Room 481-W, Docking State Office Building, 915 S.W. Harrison, Topeka. Persons requiring special accommodations are asked to call the commission toll free at (800) 295-5232 (outside Topeka area) or (785) 296-1722.

Wayne L. Franklin Secretary of Human Resources

Doc. No. 022604

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, July 16, in the conference room of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$1,800,000 principal amount of Housing Development Revenue Bonds for Pioneer Olde Town Apartments, L.P. (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 et seq., to finance costs of acquisition, construction and equipping of Pioneer Olde Town Apartments and related improvements and equipment to be used for public housing purposes (the project). Pioneer Olde Town Apartments - Phase II will consist of 24 3bedroom townhouses and a community building located at lots 74 through 106, West 8th Street & lots 217 through the north ½ of lot 225, Western Street, Topeka, Shawnee County, Kansas.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will the bonds constitute any indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely and only from amounts received from the developer, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposal to issue any specific bonds for the purpose of financing the project, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project described above may be obtained by contacting the Authority.

Kenneth Frahm President

Doc. No. 022607

Office of Judicial Administration

Notice of 1998 Access to Justice Grant

The Access to Justice Fund was created as a source of grants for the operating expenses of programs, including dispute resolution programs, providing access to the Kansas civil justice system for persons who would otherwise be unable to gain access to civil justice. Programs awarded grants must provide such services as legal assistance to pro se litigants, legal counsel for civil and domestic matters, or other legal or dispute resolutions services. The services provided should help reduce the burden pro se litigation imposes on the district courts. Applicants must be income tax exempt organizations who will use the grant funds to provide services to individuals and families at or below 150 percent of the federally established poverty level.

For the fiscal year July 1, 1998 through June 30, 1999, the Kansas Supreme Court will award grants totaling not more than \$1 million. Grant proposals are due July 15.

A grant application packet is available from the Office of Judicial Administration, (785) 296-2256; via the Kansas Supreme Court web page (www.law.ukans.edu/kscourts.html); or by writing: Access to Justice Fund, Office of Judicial Administration, Room 337-S, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, 66612-1507.

Patricia Henshall General Counsel

Doc. No. 022624

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. July 21 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases which have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Application for Certificate of Public Service:

Scott Adams, 410 E. Garnett, Welda, KS 66091; MC ID No. 156013; General commodities.

Chuck Hoops Trucking, Inc., Route 3, Box 369-1, Arkansas City, KS 67005; MC ID No. 156183; Clyde Christey, Attorney;

General commodities (except household goods and hazardous materials).

Concrete Enterprises, Inc., 2430 E. First, Hutchinson, KS 67501; MC ID No. 155296; General commodities (except household goods and hazardous materials).

Innovative Solutions of Kansas City, Inc., 11905 E. 78th Terrace, Kansas City, MO 64138; MC ID No. 156484; General commodities (except household goods and hazardous materials).

Kiser Products, Inc., 407 W. Main, Haven, KS 67543; MC ID No. 156189; Jay Horvath, Attorney; General commodities (except household goods).

Lori Anne Krieger Baier, dba Walkabout Xpress, 10529 Chmelka Road, Holcomb, KS 67851; MC ID No. 152114; General commodities (except Classes A and B explosives, hazardous materials and household goods).

Loomis, Fargo & Co., 2500 City West Blvd., Suite 900, Houston, TX 77042; MC ID No. 108363; Arthur Nathan, Attorney; Cash, currency, coin, food stamps and other valuable goods.

M & M Transportation, L.C., 5000 N. Broadway, Wichita, KS 67204; MC ID No. 154055; General commodities (except household goods and Classes A and B explosives).

Kelly Scholetzer, dba Crockers Care Care, 1001 S.E. 21st, Topeka, KS 66607; MC ID No. 156191; Wrecked, disabled, repossessed and replacement vehicles.

Henry Snodgrass, dba Henry Snodgrass Trucking, Route 1, Box 56, Rozel, KS 67574; MC ID No. 156186; John Jandera, Attorney; General commodities (except Classes A and B explosives, household goods and hazardous materials).

Jeremy L. Stucky, 1906 Cherokee Road, Moundridge, KS 67107; MC ID No. 156190; General commodities (except household

goods and hazardous materials).
Tom Van Holt, dba Starving Artists' Movers, 2401 W. 25th, #7A5, Lawrence, KS 66047; MC ID No. 156188, General commodities (except hazardous materials).

John Wilhite, dba J & E Alfalfa, 407 W. 16th, Larned, KS 67550, MC ID No. 156185; General commodities (except household goods and hazardous materials).

Application for Contract Carrier Permit:

Noyes Transportation, Inc., 902 Village Drive, Pittsburg, KS 66762; MC ID No. 156187; Passengers and light hand baggage in charter party services and special operations (restricted to the use of vehicles seating seven passengers or less).

Application for Abandonment of Certificate of Public Service:

Rodney Foltz, dba Rodney Foltz Trucking, 3139 Allen Road, Richmond, KS 66080; MC ID No. 148805.

MCK, Inc., dba Karlin Elevator, Railroad and Oak Streets, Grinnell, KS 67738; MC ID No. 115935.

Otto C. Von Lintel, dba OK Trucking, 1608 E. 27th, Hays, KS 67601; MC ID No. 152121

Application for Partial Abandonment of Certificate of Public Service:

Robertson Tank Service, Inc., P.O. Box 100, Elkhart, KS 67950-0100; MC ID No. 100575.

Don Carlile Administrator Transportation Division

State Employees Health Care Commission

Notice of Meeting

A State Employees Health Care Commission meeting has been scheduled from 1:30 to 3:30 p.m. Monday, July 6, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka. Agenda items will include, but may not be limited to, the following: funding for employee group, drug plan design, and student insurance—plan and funding. For additional information, contact the Benefits Office at (785) 296-6280.

Dan Stanley, Chair Secretary of Administration

Doc. No. 022606

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. Responses must be received by 5 p.m. July 23 for consulting engineering firms to be considered. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

Project No. 69-61 K-5747-01 Miami County

The scope of services is to provide for the addition of 2 new lanes, the rehabilitation of the existing surface, and to provide for a 4-lane freeway within the existing right-of-way from 7.6 km north of the Linn-Miami county line, north to the 2-lane/4-lane divided at Louisburg. The road and bridge squad leaders are Bob Wandel and Terry Fleck, respectively. The construction estimate is \$28,400,000.

Project No. 58 K-6064-02

The scope of services is to provide for the relocation of the Union Pacific Railroad Bridge and con-

struction of overpasses on US-36 and US-77 in Marysville as shown in Alternative Number 2 from the Feasibility Study. The project manager is Al Cathcart. The construction estimate is \$45,000,000.

Project No. 75-63 K-6403-01 Montgomery County

The scope of services is to provide for the reconstruction of US-75 from 3.0 km north of US-166 at Caney, north 22.4 km to US-160 west of Independence. The road and bridge squad leaders are Rex Fleming and Terry Fleck, respectively. The construction estimate is \$17,500,000.

Project No. 54-88 K-7238-01 Seward County

The scope of services is to provide for the reconstruction of US-54 from the Oklahoma state line, north 6.0 km to Western Avenue in Liberal. The road and bridge squad leaders are Richard Adams and Terry Fleck, respectively. The construction estimate is \$8,000,000.

Project No. 106 K-7187-01

The scope of services is to develop a strategic plan to deploy Intelligent Transportation System (ITS) technologies throughout the state. The plan shall assess the needs of Kansas for ITS, develop both short-term and long-term strategies for addressing those needs, and make recommendations and prioritize what future actions KDOT should take to address those needs. In addition, current projects and deployments must be tied together in one plan to avoid duplication of efforts and to use existing and future infrastructure wisely. The project manager is Matt Volz.

Project No. 4-44 K-7289-01 Jefferson County

The scope of services is to prepare a conceptual study report to outline possible improvements on K-4 from 46th Street north to K-92. The report should address the critical design issues, controlling features, alignment alternatives and comparative project costs. Potential social, environmental and right-of-way issues should be identified and analyzed. Corridor presentation techniques should be considered to maintain the needed access until the project can be programmed for construction. The road and bridge squad leaders are Steve King and Richard Elliott, respectively. The study estimate is \$125,000.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

- Size and professional qualifications;
- 2. Experience of staff;
- 3. Location of firm with respect to proposed project;
- 4. Work load of firm; and
- 5. Firm's performance record.

E. Dean Carlson Secretary of Transportation

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 16,000-cubic-yard detention dam, Site 110 in Lyon County, will be received by the Eagle Creek Watershed District No. 77 at the Olpe State Bank, P.O. Box 207, Olpe, 66865, until 10 a.m. July 22 and then opened. A copy of the invitation for bids and plans and specifications can be obtained and/or reviewed at the Eagle Creek Watershed District office, c/o Olpe State Bank, (316) 475-3213.

Tracy D. Streeter
Executive Director

esanis A. N. Sansas

Doc. No. 022603

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Ramada Inn Downtown, Topeka, until 2 p.m. July 15, and then publicly opened:

District One Northeast

Douglas-Osage—106 K-7196-01—U.S. 56 from the Douglas-Osage county line east to the junction of U.S. 56; U.S. 56 from the south junction of U.S. 56 to the junction of K-170; K-31 from the south junction of K-31 northeast to the Osage-Douglas county line, 39.8 miles (64.1 kilometers), sealing. (state funds)

Jefferson—44 K-7121-01—Rock Creek Bridge at Perry State Park Reservoir, bridge repair, (state funds)

Johnson—169-46 K-6242-01—U.S. 169, south of 159th Street in Olathe, 0.12 mile (0.2 kilometer), grading and surfacing (state funds)

Johnson—56-46 K-6959-01—U.S. 56 from the east junction of I-35 east to the Kansas-Missouri state line, 5.1 miles (8.22 kilometers), mill and overlay. (state funds)

Leavenworth—52 U-1578-01—Second Street from Marion to Poplar in Leavenworth, grading and surfacing. (federal funds)

Leavenworth—51 U-1399-01—Bridge on Pennsylvania Avenue over Atchison, Topeka and Santa Fe Railroad in Leavenworth, 0.18 mile (0.304 kilometer), bridge removal. (federal funds)

Nemaha—66 C-3347-01—County road, 6 miles (9.7 kilometers) east and 2.2 miles (3.5 kilometers) south of Bern, 0.12 mile (0.2 kilometer), grading and surfacing. (federal funds)

Osage 75-70 K-7103-01—Bridge 044, U.S. 75 south-bound bridge over local road, bridge repair. (state funds)

Riley—81 C-2072-01—County road 7.3 miles (9.5 kilomenters) north of Leonardville, 0.18 mile (0.29 kilometer), bridge replacement. (federal funds)

Shawnee 24-89 K-7107-01—U.S. 24 bridges over K-4, bridge overlay. (state funds)

Shawnee 70-89 K-7204-01—I-70, from the west city limits of Topeka east 3.8 miles (6.2 kilometers), pavement marking. (state funds)

Wabaunsee—99 C-3430-01—First Street from Newberry to Main Street in Paxico, 0.68 mile (1.1 kilometers), overlay. (federal funds)

Wyandotte 70-105 K-5658-03—I-70, Bridges 30 and 31, bridge repair. (state funds)

District Two—Northcentral

Chase—50-9 K-5384-01—U.S. 50 from Strong City east 8.2 miles (13.14 kilometers), grading, bridge and surfacing. (federal funds)

Dickinson—77-21 M-1886-01—U.S. 77, 0.4 mile (0.6 kilometer) north of the U.S. 56 junction, 0.15 mile (0.24 kilometer), slide repair. (state funds)

District Three—Northwest

Ellis—26 C-3294-01—County road 0.5 mile (0.8 kilometer) north and 0.6 mile (1 kilometer) east of Ellis, 0.4 mile (0.6 kilometer), grading, bridge and surfacing. (federal funds)

Norton—283-69 K-5392-01—U.S. 283 from the west junction of K-9 north to the south city limits of Norton, 13.7 miles (22 kilometers), grading, bridge and surfacing. (federal funds)

Sheridan—90 C-3358-01—County road 12 miles (19.4 kilometers) north and 14.5 miles (23.1 kilometers) west of Hoxie, 0.3 mile (0.48 kilometer), grading and bridge. (federal funds)

Thomas—70-97 K-7213-01—I-70, 0.3 mile (0.5 kilometer) east of the junction of K-25, southeast 9 miles (14.5 kilometers), crack repair. (state funds)

District Four—Southeast

Cherokee—11 C-3385-01—County road 2 miles (3.2 kilometers) south of West Mineral, 0.15 mile (0.24 kilometer), grading and bridge. (federal funds)

Cherokee—11 C-3386-01—County road 1.5 miles (2.4 kilometers) west and 3.5 miles (5.6 kilometers) north of Galena, 0.15 mile (0.25 kilometer), grading and bridge. (federal funds)

Franklin—30 C-3290-01—County road 3.6 miles (5.8 kilometers) west of Rantoul, 0.19 mile (0.3 kilometer), grading and bridge. (federal funds)

Neosho—67 C-3543-01—County road 8 miles (12.9 kilometers) south and 9.6 miles (15.4 kilometers) east of the junction of U.S. 59 and K-57, 0.15 mile (0.24 kilometer), grading and bridge. (federal funds)

Neosho—39-67 K-7197-01—K-39 Bridge 057 (Canville Creek), bridge repair. (state funds)

District Five—Southcentral

Cowley—18 U-1579-01—Eighth Street from Skyline Road north 0.5 mile (0.8 kilometer) in Arkansas City, grading and surfacing. (federal funds)

Cowley—77-18 K-7272-01—U.S. 77 left turn bay at southbound U.S. 77/U.S. 77b in Arkansas City, grading and surfacing. (state funds)

Harper—2-39 K-7136-01—K-2, Bridge 027, Bluff Creek 2.4 miles (3.9 kilometers) west of the K-44 junction, bridge overlay. (state funds)

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Pratt—76 C-3331-01—County Road 5.1 miles (8.2 kilometers) north of Coats, 0.10 mile (0.17 kilometer), grading, bridge and surfacing. (federal funds)

Pratt—281-76 K-7072-01—U.S. 281, from the north city limits of Pratt north to the south city limits of Iuka, 4.8 miles (7.8 kilometers), slurry seal. (state funds)

Reno—96-78 K-5046-03—K-96 Hutchinson bypass from the junction of U.S. 50 north to K-96, 5.2 miles (8.4 kilometers), grading and bridge. (federal funds)

Rice—80 C-3450-01—County road 1 mile (1.6 kilometers) west and 5.8 miles (9.3 kilometers) north of Chase, 0.09 mile (0.16 kilometer), grading and bridge. (federal funds)

Sumner—96 C-3456-01—County road 3.2 miles (5.2 kilometers) west of Adamsville at Badger Creek, 0.13 mile (0.22 kilometer), grading and bridge. (federal funds)

Sumner—96 U-1554-01—Fourth Street over Beaver Creek in Wellington, 0.04 mile (0.06 kilometer), grading, bridge and surfacing. (federal funds)

District Six—Southwest

Finney—50-28 K-7270-01—U.S. 50, from County Route 245 east and south to Schulman, 10.7 miles (17.1 kilometers), pavement marking. (state funds)

Ford—400-29 K-7096-01—U.S. 400 from the north city limits of Ford southeast to the Ford-Kiowa county line, 12.5 miles (20.3 kilometers), sealing. (state funds)

Seward—83-88 K-7278-01—U.S. 83 from the Oklahoma-Kansas state line north to the south end of the Liberal bypass, 0.8 mile (1.3 kilometers), overlay. (state funds)

Seward—54-88 K-7279-01—U.S. 54 from the Oklahoma-Kansas state line northeast to the west city limits of Liberal, 3.6 miles (5.8 kilometers), overlay. (state funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson Secretary of Transportation

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

Public Notice No. KS-AG-98-93/98

Name and Add	ress Leg	[a] [1] [1] [2] [4]	Receiving
of Applicant	Dei	cription	Water
Bruce Bauer	ita amag ne	4 of Section 29	Republican River
B & K Livestock	Fárms T8S	, R3E, Clay	MDANTA Townson!
1471 15th Road	Con	inty :	ester unal 2 per
Clay Center, KS	67432	3. N	Committee of the second of the

Kansas Permit No. A-LRCY-9023

This is an expansion facility for a total of 2,700 head (810 animal units) of swins.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit. Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 100 gallons per minute and dispersing the wastewater over 108 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

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Name and Address	Legal Receiving
of Applicant	Description Water
Bertrand Cattle Company	NW/4 of Section 14, Smoky Hill River
501 Quail	T13S, R37W, Logan
Wallace, KS 67761	County

Kansas Permit No. A-SHLG-C002 Federal Permit No. KS-0087255
This is an expansion of an existing facility for a total of 5,000 head (5,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against

runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant **Brooks Farm**

Legal Description Receiving Water

SE/4 of Section 29, T3S, R25W, Norton

Prairie Dog Creek

HC 1, Box 133 County

William Brooks Clayton, KS 67629

Kansas Permit No. A-URNT-B002

This is a new facility for 999 head (750 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant Rock Creek Cattle Company NE/4 of Sec. 15,

P.O. Box 457

Legal Description Receiving Water

Solomon River

T8S, R24W,

Penokee, KS 67659 **Graham County**

Kansas Permit No. A-SOGH-B003

This is a new facility for 900 head (675 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

*Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant

Description

Receiving Water

Schamberger Farms SE/4 of Sec. 28, Route 2 T8S, R28W, Sheridan County Solomon River

Hoxie, KS 67740 Kansas Permit No. A-SOSD-B006

This is a new facility for 500 head (500 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: 1) The livestock waste management plan for the facility developed by the N.R.C.S. and approved by this department shall be adhered to as a condition of this permit. The plan covers, but shall not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. 2) Written verification of the acquisition of pumping equipment shall be submitted to this department within six months of the issuance of this permit stating size and type of disposal equipment.

Name and Address of Applicant Harold Scanlan Themelan Acres

Legal Description Receiving Water

Smoky Hill River

SW/4 of Sec. 2,

T13S, R2E, **Dickinson County**

2393 Indy Road Abilene, KS 67410

Kansas Permit No. A-SHDK-M012

This is a new facility for 90 head (126 animal units) of dairy cows. Note: This permit is being renoticed because of an error in the animal units.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year and solids shall be applied at not greater than 10.0 ton per acre. Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 50 gallons per minute and dispersing the wastewater over 12 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Public Notice No. KS-98-063/066

Name and Address of Applicant City of Anthony P.O. Box 504 Anthony, KS 67003

Waterway Lower Arkansas River via Bluff

Discharge Treated domestic wastewater

Creek via Spring Creek

Kansas Permit No. M-AR04-OO01

Federal Permit No. KS0027561

Legal: NE¼, S35, T33S, R7W, Harper County

Facility Description: The proposed action is to issue an existing permit for operation of an existing mechanical wastewater treatment facility treating primarily domestic wastewater. The proposed permit contains a schedule of compliance requiring the permittee to upgrade the facility to meet disinfection requirements. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant City of Belle Plaine 401 N. Merchant

Waterway Ninnescah River Type of Discharge Treated domestic

wastewater

Belle Plaine, KS 67013

Kansas Permit No. M-AR09-OO01

Federal Permit No. K50024902

Legal: SE1/4, S2, T31S, R1E, Sumner County

Facility Description: The proposed action is to issue an existing permit for operation of an existing mechanical wastewater treatment facility treating primarily domestic wastewater. The proposed permit contains a schedule of compliance requiring the permittee to upgrade the facility to meet disinfection requirements. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant Able Design Plastics Inc. 765 E. 520 St. Pittsburg, KS 66762

Waterway Cow Creek via unnamed tributary

Type of Discharge Treated domestic wastewater

Kansas Permit No. C-NE57-OO03

Federal Permit No. KS0091901

Legal: 765 E. 520 St., Pittsburg, KS

Facility Description: The proposed action is to issue an existing permit for operation of an existing mechanical wastewater treatment facility treating primarily domestic wastewater. The proposed permit contains a schedule of compliance requiring the permittee to provide a plan to bring this facility into consistent compliance with the permit requirements. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant APAC-Kansas, Inc. c/o Scott Gammon

Waterway Missouri River via Fairfax District

storm sewer

Type of Discharge Treated process wastewater

P.O. Box 6099

Kansas City, KS 66106-6099 Kansas Permit No. I-MO25-PO09

Federal Permit No. KS0094544

Legal: KDOT Bridge No. 5-105-1.35(193) [Hydrodemolition/ Hydroblasting Project] SE1/4, T28, T10S, R25E,

Wyandotte County

Facility Description: The proposed action is to issue a new permit for operation of a new retention basin treating wastewater from a hydrodemolition/hydroblasting project on the above named bridge on Highway K-5 over the Union Pacific Railroad, Kansas City, Kansas. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Public Notice No. KS-ND-98-021/023

Name and Address
of Applicant
Location
Marion County ID #3
Route 3, Box 180
T18S, R4E, Marion
Marion, KS 66861
County

Kansas Permit No. M-NE45-NO07

Facility Description: The proposed action is to reissue an existing permit for operation of an existing two-cell wastewater treatment lagoon system. The proposed permit contains a requirement to monitor groundwater from three monitoring wells around the lagoon cells.

Name and Address
of Applicant
Location
Camp Quaker Haven
c/o Camp Administrator
Route 4, Box 453
Arkansas City, KS 67005

Legal
Type of
Discharge
Nonoverflowing
County

Kansas Permit No. C-AR06-NO03

Facility Description: The proposed action is to reissue an existing permit for operation of an existing two-cell wastewater treatment lagoon system. The proposed permit contains a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Name and Address
of Applicant
Location
Location
Lodging Enterprises, Inc.
c/o Bill Burgess, Chairman
Suite 100
8110 E, 32nd St. North
Wichita, KS 67226

Kansas Permit No. C-BB13-NO01

Facility Name: Oak Tree Inn, US Hwy. 36, Marysville, KS 66508

Facility Description: The proposed action is to issue a new permit for operation of a new one-cell wastewater treatment lagoon system. The proposed permit contains a supplemental condition indicating this facility is being permitted as a temporary facility, and it will be properly abandoned and the collection system connected to a central collection and treatment system when such system becomes reasonably available. A central collection and treatment system is planned for the area as a requirement of an administrative order from KDHE.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before August 1, 1998, will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-98-93/98, KS-98-063/066, KS-ND-98-021/023) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing

is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Gary R. Mitchell Secretary of Health and Environment

Doc. No. 022619

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Cross Alfalfa has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of PM-10 (particulate matter less than 10 micrometers) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Cross Alfalfa, Lewis, owns and operates a pellet processing facility located at Factory Road, Lewis:

A copy of the proposed permit, permit application, all supporting, documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-6438, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business August 3.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business August 3 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell Secretary of Health and Environment

Department of Health and Environment

Request for Qualifications from Engineering Consulting Firms

It is the intent of the Department of Health and Environment, pursuant to K.S.A. 75-5801, to select qualified engineering firms, permitted by law to practice engineering in the State of Kansas, for the design of abandoned coal mine reclamation projects in Southeast Kansas. The Surface Mining Section will interview the best qualified firms and enter into contract negotiations for AML projects.

Examples of work involved in the projects include design of grading plans for dangerous highwalls, drainage control, roadside improvements, disposal of mine wastes

and revegetation.

All interested firms should submit three copies of the SF 254 and SF 255 forms to the Surface Mining Section office by 5 p.m. Thursday, July 23. Submittals and questions should be addressed to Murray J. Balk, KDHE, Surface Mining Section, 4033 Parkview Drive, Frontenac, 66763, (316) 231-8540.

Gary R. Mitchell Secretary of Health and Environment

Doc. No. 022626

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(Published in the Kansas Register July 2, 1998.)

Summary Notice of Bond Sale \$4,100,000

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Atchison County, Kansas General Obligation Sales Tax Bonds Series 1998-A

(General obligation bonds payable from unlimited ad valorem taxes)

LATE & Weldon

Sealed Bids

Subject to the notice of bond sale dated May 20, 1998, sealed bids will be received by the clerk of Atchison County, Kansas (the issuer), on behalf of the governing body at the Atchison County Courthouse, 423 N. 5th, Atchison, KS 66002-1861, until 11 a.m. July 13, 1998, for the purchase of \$4,100,000 principal amount of General Obligation Sales Tax Bonds, Series 1998-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated July 1, 1998, and will become due on September 1 in the years as follows:

Year	Principal Amount
1999	\$155,000
2000	200,000
2001	210,000
2002	225,000

2003	240,000
2004	250,000
2005	260,000
2006	275,000
2007	285,000
 2008	295,000
2009	310,000
 2010	325,000
2011	340,000
2012	355,000
 2013	375,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1999.

Book-Entry-Only System

The bonds will be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$82,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 30, 1998, at DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1997 is \$88,804,816. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$5,430,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (913) 367-1653, or from the financial advisor, George K. Baum & Company, Twelve Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105, Attention: David G. Arteberry, (816) 474-1100.

Dated May 20, 1998.

Atchison County, Kansas

(Published in the Kansas Register July 2, 1998.)

USDA-Natural Resources Conservation Service

Notice of Kansas Technical Committee Meeting

The Kansas Technical Committee will meet from 9:30 a.m. to 3 p.m. Thursday, July 16, at the NRCS Conference Center, 747 Duvall, Salina. The committee will evaluate and rank the fiscal year 1999 Environmental Quality Incentives Program (EQIP) project proposals.

For additional information, contact Dan Lawson, JUSDA-Natural Resources Conservation Service, 760 S. Broadway, Salina, 67401-4642, (785) 823-4508, fax (785)

Tomas Dóminguez State Conservationist

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Doc. No. 022605 The transfer of the analysis of the second s

(Published in the Kansas Register July 2, 1998.)

Summary Notice of Bond Sale

Unified School District No. 443 Ford County, Kansas (Dodge City) General Obligation
School Building Bonds Series 1998

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids Subject to the notice of bond sale dated June 8, 1998, sealed bids will be received by the clerk of Unified School District No. 443, Ford County, Kansas (Dodge City) (the issuer), on behalf of the governing body at the office of the Board of Education, 1000 Second Ave., P.O. Box 460, Dodge City, KS 67801-0460, until 7 p.m. July 13, 1998, for the purchase of \$9,500,000 principal amount of General Obligation School Building Bonds, Series 1998. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will The real of the second be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated July 1, 1998, and will become due on September 1 in the years as follows:

Year		Principal Amount
2000		\$ 80,000
2001	i Silikajukiji	140,000
2002		165,000
2003	18 mg 1	190,000
2004		220,000
2005		250,000
2006		285,000
2007	* 4	320,000
2008		360,000
2009		400,000
2010		440,000
2011		495,000

2012	540,000
2013	585,000
2014	640,000
2015	975,000
2016	1,055,000
2017	1,135,000
2018	1,225,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1999.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$190,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before July 30, 1998, at DTC for the account of the successful bidder, or at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1997 is \$180,525,019. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$23,763,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 227-1620, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Suite 150, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

> Unified School District No. 443 Ford County, Kansas (Dodge City)

State of Kansas Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1997 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 6-29-98 th	rough 7-5-98
Term	Rate
1-89 days	5.48%
3 months	5.31%
6 months	5.51%
9 months	5.48%
12 months	5.55%
18 months	5.60%
24 months	5.56%
	Clyde Graeber Acting Chairman

Doc. No. 022601

(Published in the Kansas Register July 2, 1998.)

Corrected Summary Notice of Bond Sale \$2,400,000 City of South Hutchinson, Kansas General Obligation Bonds Series 1998

Submission of Bids

As described in the issuer's notice of bond sale dated June 18, 1998, sealed bids will be received by the city until 11 a.m. Tuesday, July 7, 1998, for the purchase of the issuer's General Obligation Bonds, Series 1998, to be issued in the principal amount of \$2,400,000. In the alternative, and at the option of the bidder, bids may be submitted by telefacsimile (fax) addressed to the city clerk at (316) 663-7168. Bidders submitting bids via fax acknowledge and agree that the issuer assumes no liability or responsibility for any transmission error or delay in the delivery of such bid. Such bids must be received by the city clerk prior to the time specified herein.

No bid of less than the par value of the principal amount of the bonds and the accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered, certificated bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of the bonds maturing on any maturity date. The bonds will be dated July 1, 1998, and will become due serially on July 1 in each year as follows:

Maturity Date	Principal Amount
1999	\$ 70,000
2000	75,000
2001	80,000
2002	85,000
2003	90,000
2004	90,000
2005	95,000
2006	100,000

2007			105,000
2008	-		110,000
2009			115,000
2010			125,000
2011			130,000
2012			135,000
2013			145,000
2014			150,000
2015			160,000
2016			170,000
2017			180,000
2018			190,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold, which interest will be payable semiannually on July 1 and January 1 in each year, commencing July 1, 1999 (the interest payment dates).

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a qualified surety bond in the amount of \$48,000, which is equal to 2 percent of the par value of the principal amount of the bonds.

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 22, 1998, at such bank or trust company in the State of Kansas as may be specified by the successful bidder. Delivery elsewhere will be at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for purposes of computation of bonded debt limitations for the year 1998 is \$19,109,381. The total general obligation bond indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$2,925,000.

Approval of Bonds

The bonds will be sold subject to the approval of Martindell, Swearer & Shaffer, LLP, Hutchinson, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the issuer or the bonds may be obtained from Cynthia Wixson, City Clerk, City Hall, 2 S. Main St., South Hutchinson, KS 67505, (316) 663-7104; or from the city's financial advisor, Froggatte & Herndon Capital Corporation, 320 N. Main St., Suite 200, Wichita, KS 67202, (316) 264-6300, Attention: Theron Froggatte, President.

Dated June 18, 1998.

City of South Hutchinson, Kansas By Cynthia Wixson, City Clerk

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka:

Date:	Room	Time	Location
July 10	Care & Treatment	9:30 a.m.	Room 259
July 10	Municipal Court Manual	9:30 a.m.	Room 275-N
July 17	PIK-Criminal	9:30 a.m.	Room 259
July 17	Probate Law	9:30 a.m.	Room 275-N
July 24	Family Law	9:30 a.m.	Room 259
August 28	Admin. Procedure	9:30 a.m.	Room 259

Hon. Tyler C. Lockett Chair

Doc. No. 022608

(Published in the Kansas Register July 2, 1998.)

Summary Notice of Bond Sale City of Hays, Kansas \$1,720,000 General Obligation Internal Improvement Bonds Series 1998-A

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated June 11, 1998, sealed bids will be received by the clerk of the City of Hays, Kansas (the issuer), on behalf of the governing body at 1507 Main, Hays, KS 67601, until 3 p.m. July 9, 1998, for the purchase of \$1,720,000 principal amount of General Obligation Internal Improvement Bonds, Series 1998-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated July 1, 1998, and will become due on September 1 in the years as follows:

	Principal
Year	Amount
1999	\$125,000
2000	\$145,000
2001	155,000
2002	165,000
2003	170,000
2004	175,000
2005	185,000
2006	190,000
2007	200,000
2008	210,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannully on March 1 and September 1 in each year, beginning March 1, 1999. Bonds maturing on September 1, 2006, and thereafter will be subject to redemption prior to maturity at the option of the city on September 1, 2005, and thereafter, in whole at any time or in part on any interest payment date, in such principal amounts for such maturities as shall be determined by the city, at a redemption price of 100 percent of the principal amount redeemed, plus accrued interest, without a premium.

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in the amount of 2 percent of the principal amount of such series of bonds.

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before July 30, 1998, at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1997 is \$119,629,270. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold and outstanding temporary notes, is \$9,942,100.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder when the bonds are delivered. Reference is made to the preliminary official statement for further discussion of federal and Kansas income tax matters relating to the interest on the bonds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (785) 628-7300, or from the financial advisor, George K. Baum & Company, Kansas City, Missouri, (816) 474-1100.

Dated June 11, 1998.

City of Hays, Kansas By Carol Sue Grabbe, City Clerk 1507 Main Hays, KS 67601

Office of Judicial Administration Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals
Douglas County Commission Meeting Room
2nd Floor, Old Douglas County Courthouse
1100 Massachusetts
Lawrence, Kansas

Before Lewis, P.J.; Pierron, J.; and Rebecca L. Pilshaw, D.J., assigned.

Tuesday, July 21, 1998

9:0	Λ	a.	m.

Case No.	Case Name	Atterneys	County
78,610	In the Matter of the Marriage of Tracie Lea Findeisen, Appellant, and	J. Donald Lysaught, Jr. Douglas G. Waters	Leavenworth
. Specific	Neal Leon Findeisen, Appellee.		
80,595	Brian Herrick, Appellee, v.	Thomas J. Bath Robb Edmonds	Johnson
	State of Kansas, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A.	
78,107	Waymon Gray, Appellant, v. Vernon Collier, et al., Appellees.	Brenda S. Watkins Thomas M. Sutherland	Wyandotte
27% 9-30	(SB) 사용	30 p.m.	
80,517	In the Interest of A.V., Juvenile Under the Age of 18 years, to-wit: 11/22/93.	Juanita M. Carlson Gayle B. Larkin, Special Apptd. Asst. D.A. Kevin Kelly	Douglas
78,630	Galen J. Meyers and Carolyn F. Meyers, Appellants, v.	R. Scott Beeler Victoria Schroeder	Johnson
	Bell Development, Inc., et al., Appellees.		
80,381	In the Interest of L.O., dob: 10/24/91 R.O., dob: 11/12/94 S.O., dob: 03/27/96.	William D. Peters, Jr. Sheryl A. Bussell, Asst. D.A.	Wyandotte
	Wednesd	ay, July 22, 1998	
	- The Control of th	:00 a.m.	
Case No.	Case Name	Attorneys	County
78,244	Kathryn Hartman, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Ezra Ginzburg, Asst. A.D. Terra D. Morehead, Asst. D.A.	Wyandotte
77,472	State of Kansas, Appellee,	Attorney General	Wyandotte
· · · · · · · · · · · · · · · · · · ·	v. Gary L. Matthews, Appellant.	Dionne M. Scherff, Asst. D.A. Jessica R. Kunen, Chief A.D. Reid T. Nelson, Asst. A.D.	
77,458	State of Kansas, Appellee, v. Maurice Mosley, Appellant.	Attorney General Gary D. Stone, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Wyandotte

78,955 Dereck Eugene Chappell, Sr., Appellant, V. State of Kansas, Appellee. 79,175 State of Kansas, Appellee, V. Frank A. Jones, Appellant. 78,921 State of Kansas, Appellee, V. Deanne J. Guhr, Appellant. 80,467 Interest of D.R.R., Jr., dob: 12/01/93. 78,472 State of Kansas, Appellee, V. Johnny Wayne King, Appellant. 80,009 Kenneth Kincaid, #53716, Appellant, V. David McKune, et al., Appellees. 79,280 Donald A. Ingram, Appellant, V. State of Kansas, Appellee. 79,310 Larry A. Dailey, Appellant, V. State of Kansas, Appellee. 79,320 State of Kansas, Appellee, V. Reubin D. Wilson, Appellant. 79,373 State of Kansas, Appellee, V. Rai D. Hill Appellant. 79,373 State of Kansas, Appellee, V. Reubin D. Wilson, Appellant, V. Rai D. Hill Appellant V. Rai D. Hill		Summary Care	iluai—140 Otal Algument	the second second fair a
V. Sherri Price, Asst. D.A. Jessica R. Kunen, Chief A.D. 78,921 State of Kansas, Appellee, V. Deanne J. Guhr, Appellant. 80,467 Interest of D.R.R., Jr., dob: 12/01/93. 78,472 State of Kansas, Appellee, V. Johnny Wayne King, Appellant. 80,009 Kenneth Kincaid, #53716, Appellant, V. David McKune, et al., Appellees. 79,280 Donald A. Ingram, Appellant, V. State of Kansas, Appellee. 79,310 Larry A. Dailey, Appellant, V. State of Kansas, Appellee. 79,320 State of Kansas, Appellee. 79,320 State of Kansas, Appellee, V. State of Kansas, Appellee, V. State of Kansas, Appellee, V. State of Kansas, Appellee. 79,373 State of Kansas, Appellee, V. State of Kansas, Appellee, Attorney General County Attorney 79,373 State of Kansas, Appellee, Attorney General County Attorney	78,955	v.	Attorney General	Johnson
V. Deanne J. Guhr, Appellant. 80,467 Interest of D.R.R., Jr., dob: 12/01/93. State of Kansas, Appellee, V. Johnny Wayne King, Appellant. 80,009 Kenneth Kincaid, #53716, Appellant, V. David McKune, et al., Appellees. 79,280 Donald A. Ingram, Appellee. State of Kansas, Appellee. 79,310 Larry A. Dailey, Appellant, V. State of Kansas, Appellee. 79,320 State of Kansas, Appellee, V. Reubin D. Wilson, Appellant. V. Reubin D. Wilson, Appellant. 79,373 State of Kansas, Appellee, V. Reubin D. Wilson, Appellant. 79,373 State of Kansas, Appellee, Attorney General County Attorney 79,373 State of Kansas, Appellee, Attorney General County Attorney 79,373 State of Kansas, Appellee, Attorney General County Attorney 79,373 State of Kansas, Appellee, Attorney General County Attorney 79,373 State of Kansas, Appellee, Attorney General County Attorney	79,175	v.	Sherri Price, Asst. D.A.	Wyandotte
dob: 12/01/93. Sheryl A. Bussell, Asst. D.A. Janet S. Ensign 78,472 State of Kansas, Appellee, V. Johnny Wayne King, Appellant. 80,009 Kenneth Kincaid, #53716, Appellant, V. David McKune, et al., Appellees. No Oral Argument 79,280 Donald A. Ingram, Appellant, V. State of Kansas, Appellee. Popular A. Dailey, Appellant, V. State of Kansas, Appellee. 79,310 Larry A. Dailey, Appellant, V. State of Kansas, Appellee. 79,320 State of Kansas, Appellee, V. Reubin D. Wilson, Appellant. 79,373 State of Kansas, Appellee, V. Reubin D. Wilson, Appellee, V.	78,921	v.	Kerwin L. Spencer, Special Prosecutor	Sumner
V. Johnny Wayne King, Appellant. 80,009 Kenneth Kincaid, #53716, Appellant, v. David McKune, et al., Appellees. No Oral Argument 79,280 Donald A. Ingram, Appellant, v. State of Kansas, Appellee. Postate of Kansas, Appellee. State of Kansas, Appellee. Telephone State of Kansas, Appellee, v. State of Kansas, Appellee, v. Reubin D. Wilson, Appellant. Telephone State of Kansas, Appellee, v. Reubin D. Wilson, Appellant. Telephone State of Kansas, Appellee, v. Reubin D. Wilson, Appellant. State of Kansas, Appellee, v. Reubin D. Wilson, Appellant. Telephone State of Michael G. Highland Jeffrey L. Cowger Michael G. Highland Jeffrey L. Cowger No Oral Argument Jessica R. Kunen, Chief A.D. Attorney General County Attorney Jessica R. Kunen, Chief A.D. Telephone State of Michael G. Highland Jeffrey L. Cowger No Oral Argument Jessica R. Kunen, Chief A.D. Attorney General County Attorney General County Attorney General County Attorney	80,467		Sheryl A. Bussell, Asst. D.A.	Wyandotte
V. David McKune, et al., Appellees. No Oral Argument 79,280 Donald A. Ingram, Appellant, V. Attorney General State of Kansas, Appellee. 79,310 Larry A. Dailey, Appellant, V. Jessica R. Kunen, Chief A.D. Attorney General Brenda M. Jordan, Asst. C.A. Jessica R. Kunen, Chief A.D. Attorney General District Attorney General District Attorney 79,320 State of Kansas, Appellee, V. Reubin D. Wilson, Appellant. 79,373 State of Kansas, Appellee, V. Attorney General County Attorney Jessica R. Kunen, Chief A.D. Attorney General County Attorney Attorney General County Attorney Attorney General County Attorney	78,472	v.	Laurel D. McClellan, C.A.	Kingman
79,280 Donald A. Ingram, Appellant, V. State of Kansas, Appellee. 79,310 Larry A. Dailey, Appellant, V. State of Kansas, Appellee. 79,320 State of Kansas, Appellee, V. Reubin D. Wilson, Appellant. 79,373 State of Kansas, Appellee, V. Reubin D. Wilson, Appellee, V. Reubin D. Wilson, Appellee, V. Reubin D. Wilson, Appellee, V. Attorney General County Attorney Jessica R. Kunen, Chief A.D. Attorney General County Attorney Reneral County Attorney General County Attorney County Attorney County Attorney	80,009	v.		Leavenworth
v. Attorney General Brenda M. Jordan, Asst. C.A. 79,310 Larry A. Dailey, Appellant, v. Jessica R. Kunen, Chief A.D. Attorney General District Attorney 79,320 State of Kansas, Appellee, v. Attorney General County Attorney Reubin D. Wilson, Appellant. 79,373 State of Kansas, Appellee, v. Attorney General County Attorney Jessica R. Kunen, Chief A.D. 79,373 State of Kansas, Appellee, v. Attorney General County Attorney General County Attorney Attorney General County Attorney		No	Oral Argument	
v. Attorney General District Attorney 79,320 State of Kansas, Appellee, v. Attorney General County Attorney Reubin D. Wilson, Appellant. Jessica R. Kunen, Chief A.D. 79,373 State of Kansas, Appellee, v. Attorney General County Attorney General County Attorney Attorney	79,280	v.	Attorney General	Riley
v. County Attorney Jessica R. Kunen, Chief A.D. 79,373 State of Kansas, Appellee, v. Attorney General County Attorney	79,310	v.	Attorney General	Johnson
v. County Attorney	79,320	v.	County Attorney	Saline
Tan D. Tim, Expension Joseph To Training Cities The	79,373	State of Kansas, Appellee, v. Kai D. Hill, Appellant.		Rice

Kansas Court of Appeals Sedgwick County Courthouse Courtroom 11-1 525 N. Main Wichita, Kansas

Before Brazil, C.J.; Rulon, J.; and Larry T. Solomon, District Judge, assigned.

Tuesday, July 21, 1998

1:00 p.m.				
Case No.	Case Name	Attorneys	County	
78,251	State of Kansas, Appellee,	Attorney General	Sedgwick	
	v.	Debra S. Peterson, Asst. D.A.		
	Gregory W. Smith, Appellant.	Elizabeth Rogers, Asst. D.A.		
		William F. Cummings		
77,436	State of Kansas, Appellee,	Attorney General	Sedgwick	
• ,	v.	Debra S. Peterson, Asst. D.A.		
	Billy J. Simpson, Appellant.	Doyle Baker, Asst. D.A.		
		Jessica R. Kunen, Chief A.D.		
		Ryan Kipling Elliot, Asst. A.D.		
			(continued)	

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78,036	State of Kansas, Appellee, v. Cash A. Ward, Appellant.	Attorney General Keith E. Schroeder, Asst. C.A.	Reno A
	Cash A. Ward, Appellant.	Jessica R. Kunen, Chief A.D. Thomas Jacquinot, Special A.D.	· ·
76,876	State of Kansas, Appellee,	Attorney General	Sedgwick
·	v. Arthur A. Pouncil, Jr., Appellant.	Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D.	1984 - 83E/85
	and the second of the second section of the section of the second section of the section of the second section of the section of th	Debra J. Wilson, Asst. A.D.	\$
78,002	Anthony G. Winn, Appellant, v.	Craig D. Cox Attorney General	Sedgwick
	State of Kansas, Appellee.	Debra S. Peterson, Asst. D.A. Doyle Baker, Asst. D.A.	(本)) 1、14年 - 11月 - 1
	Wedne	sday, July 22, 1998	
		9:00 a.m.	
Case No.	Case Name	Attorneys	County
78,662	Marvin F. Pfannenstiel, Appellant, v.	Steven M. Tilton Terry J. Malone	Work Comp
	Dodge House Restaurant, and Dodson Insurance Company, and Workers Compensation Fund, Appellees.	The service of the se	
78,512	City of Wichita, Appellee, v. Jene A. Miller, Appellant.	Sharon L. Dickgrafe, Asst. City Atty. William L. Fry	Sedgwick
77,352	State of Kansas, Appellee,	Attorney General	Sedgwick
\$1.30 (1.10)	v. Rex A. Parks, Appellant.	Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Herbert P. Brackeen	
	File Cotton Annallant		\$ 1 €
77,731	Ella Cotton, Appellant, v. Gary D. Williams, Appellee.	Kiehl Rathbun Christopher Randall	Sedgwick
,		ndar—No Oral Argument	No. of the Control of
79,726	Interest of G.Y., dob: 01/17/89 R.Y., dob:12/21/89 B.J.Y., dob: 11/08/90 T.L.C., Jr., dob: 09/14/93	Richard L. Dickson Dale F. Kelso Barbara L. James	Sedgwick
	Minor Children Under 18 Yrs. of Age.	and the state of t	To the grant of the control of the c
80,474	Frederick T. Kirby, Appellant, v.	Michael G. Coash Hsingkan Chiang	Butler
	Kansas Department of Corrections, Appellee.	en e	
78,951	Larry Dale Milburn, Appellant, v.	Stephen D. Maxwell Joseph L. McCarville III	Reno
	State of Kansas, Appellee.		
79,017	State of Kansas, Appellee, v.	Attorney General Timothy J. Chambers, C.A.	Reno
	Willmore Larry Bradley, a/k/a Larry Williams, Appellant.	ACRECIO DE LA CONTRACTOR DEL CONTRACTOR DE LA CONTRACTOR	e e e e e e e e e e e e e e e e e e e
78,986	State of Kansas, Appellee, v.	Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
rice and re-	Clarence Young, Jr., a/k/a/ Clark K. Daymune, a/k/a Mark A. Sherman, Appellant.	Michael C. Brown	tost S
h			

80,518	In the Interest of M.E.S., dob: 03/21/94 J.A.S., dob: 04/13/95 H.A.S., dob: 03/30/96.	Timothy H. Henderson Ledetra C. Jones	Sedgwick
	No	Oral Argument	
79,405	Melvin L. Reese, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
78,664	State of Kansas, Appellee, v. Willard L. Beaver, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Shawnee
79,567	Farmland Industries, Inc., a/k/a Ampride, Inc., Appellee,	Louis J. Wade Coretta Fobber, pro se	Wyandotte
	v. James Fobber, and		
	Coretta Fobber, Appellant.	क्षा अन्य विकास के अन्य का अन्य की	. 14. 12. 12. 12. 12. 12. 12. 12. 12. 12. 12

Kansas Court of Appeals Kansas Judicial Center 310 W. 10th Ave. Topeka, Kansas

Before Marquardt, P.J.; Gernon and Knudson, JJ.

Tuesday, July 21, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	Company of the Company	County
80,304	In the Matter of the Marriage of Halleck Richardson, Appellee, and Claudine Dombrowski, Appellant.	Donald R. Hoffman Geary N. Gorup	ericker Westerner in der Siche Seiner von der Siche	Shawnee
78,724	Jewish Community Campus of Greater Kansas City, Inc., Appellant, v. Kansas State Corporation Comm., and Kansas City Power & Light Co., Appellees	C. Edward Peterson Jeremiah D. Finnegar Dennis E. Egan William G. Riggins		Johnson
78,048	State of Kansas, Appellee, v. Joseph Michael Donahue, et al., Appellants.	Attorney General Stephen D. Maxwell, Louis A. Silks, Jr.	Asst. A.G.	Anderson
		l:30 p.m.		
78,030	The City of Junction City, Appellee, v. Javette Campbell, Appellant.	Barry A. Clark Michael P. McKone	in die de la company de la La company de la company d	Geary
77,954	City of Concordia, Appellee, v. Tom Abshire, Appellant.	David E. Retter Michael S. Holland	er de la companya de	Cloud
78,110	Todd L. Campbell, Appellant, v.	Michael S. Holland Brian Cox	endlik kulturak (h. 1946)	Barton
· }	Kansas Dept. of Revenue, Appellee.	and the second s	Albania (Santana) Albania (Santana)	(continued)

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Wednesday, July 22, 1998

9:00 a.m.

Case No		:00 a.m.
Case No.	Case Name	Attorneys
77,582	Roger T. Watt, Appellee, v. Helen Watt, Appellant, Peggy D. Hanke, Judith A. Nagley, and Wayne Nichols.	Max M. Hinkle Edward F. Wiegers Kim W. Cudney George W. Yarnevich
80,197	In the Matter of the Marriage of Joseph M. Perry, Appellee, and	Charles A. Briscoe Shawnee Rene M. Netherton
	Lynette M. Burden, formerly Lynette M. Perry, Appellant.	
77,712	Leah Honeycutt, Appellant, v.	Richard D. Dvorak Johnson Conrell Brown
	Keith Wright, M.D., et al., Appellees.	Brian W. Wood J. Stan Sexton
	Summary Calend	ar—No Oral Argument, Act of the many to the same and the con-
78,887	State of Kansas, Appellee, v. Daniel Dixon, Jr., Appellant.	Attorney General Barry R. Wilkerson, Asst. C.A. Jessica R. Kunen, Chief A.D.
80,777 (3)	In the Matter of the Marriage of Daniel R. Lierz, Appellant, and Carol B. Lierz, Appellee.	Robert J. Bednar Alan M. Boeh
78,454	Stephen D. Sexton, Appellant, v. State of Kansas, Appellee.	Cheryl A. Marquardt Patrick E. Henderson, Asst. C.A.
78,856	State of Kansas, Appellee, v. Donald B. Swilley, Appellant.	Attorney General Pottawatomie Sarah S. Henson, Asst. C.A. Jessica R. Kunen, Chief A.D.
78,924	State of Kansas, Appellee, v. Mervan Graham, Appellant.	Attorney General Coffey Douglas P. Witteman, C.A. Jessica R. Kunen, Chief A.D.
78,683	State of Kansas, Appellee, v. Carl R. Raymond, Appellant.	Attorney General John S. Sutherland, C.A. Jessica R. Kunen, Chief A.D.
	No Ora	al Argument
78,815	State of Kansas, Appellee, v. Cory J. Cunningham, Appellant.	Attorney General Sedgwick Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.
78,913	Adam Robert Martin, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Coffey Attorney General County Attorney
79,067	State of Kansas, Appellee, v. Paul A. Lovell, Appellant.	Attorney General Sedgwick Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.
79,110 79,111	State of Kansas, Appellee, v. Jerry D. Tucker, Appellant.	Attorney General Sedgwick Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.

79,213	State of Kansas, Appellee, v. Louis Edward Mosley, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Wyandotte
79,276	State of Kansas, Appellee,	Attorney General	Sedgwick
	v. Terance V. Barnes, Appellant.	Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	, sanda
		yessica in manery Chief Ins.	* * * * * * * * * * * * * * * * * * *

Kansas Court of Appeals Old Sedgwick County Courthouse 510 N. Main, 3rd Floor Wichita, Kansas

Before Elliott, P.J.; Green, J.; and Ron Rogg, Senior Judge, assigned.

Tuesday, July 21, 1998

*	1	:00 p.m.	
Case No.	Case Name	Attorneys	County
77,927	State of Kansas, Appellee, v. Richard B. Logan, Appellant.	Attorney General Keith E. Schroeder, C.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Reno
77,863	State of Kansas, Appellee, v. Ricky L. Cowles, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Thomas J. Schultz, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Sedgwick
76,910	State of Kansas, Appellee, v. Allen C. Cole, a/k/a Albert Charles Lollis, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Jessica R. Kunen, Chief A.D. Reid T. Nelson, Asst. A.D.	Sedgwick
78,098	State of Kansas, Appellee, v. Susan E. Lawson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Casey J. Cotton	Sedgwick
77,729	Carroll Martin, Appellant, v. Upland Mutual Insurance, Inc., Appellee.	Kiehl Rathbun Marc A. Powell	Sedgwick
		ay, July 22, 1998	

	Wedne	esday, July 22, 1998		
Case No.	Case Name	9:00 a.m. Attorneys	Transfer of the second of the	County
77,735	Bill McCarthy, Appellant, v. Jerry D. Peterie, M.D., and The Upjohn Company, Appellees.	John W. Johnson Randy J. Troutt Marie S. Woodbury Larry B. Spikes		Sedgwick
78,158	Donald Busch, Appellant, v. Johnson's General Stores, and	Thomas M. Warner, Jr Eric K. Kuhn Randall C. Henry		Work Comp
	Farmland Mutual Insurance, Co., Appellees, and		v v	
	Workers Compensation Fund, Appellee.			
,				(

(continued)

79,394	City of Wichita, Appellee,	Sharon L. Dickgrafe, Asst. City Atty. James S. Phillips, Jr.	Sedgwick
*,	Charles E. Thomas, Appellant.	yames of Frampo, ye.	
75,943	State of Kansas, Appellee, v.	Attorney General Jennifer M. Wieland, Asst. C.A.	Harvey
10	Jesse F. Rogers, Appellant.	Craig D. Cox	Salar Salar Salar
agaga yaki berbaran da Baran dan dan da		ar—No Oral Argument	
78,995	State of Kansas, Appellee, v. Anthony Alexander, Appellant.	Attorney General Keith E. Schroeder, Asst. C.A. Jessica R. Kunen, Chief A.D.	Reno
79,169	State of Kansas, Appellant, v. Sharon L. Patrick, Appellee.	Attorney General Morgan Metcalf, Deputy C.A. Jessica R. Kunen, Chief A.D.	Butler
78,356	State of Kansas, Appellee, v. Joseph D. Cameron, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D.	Johnson
79,304	State of Kansas, Appellee, v. Dale M. Bettencourt, Appellant.	Attorney General Rod Ludwig, C.A. Jessica R. Kunen, Chief A.D.	Mitchell
78,597	State of Kansas, Appellee, v. Beatrice R. Guzman, a/k/a Beatrice Reyna, a/k/a Monica B. Reyna, a/k/a Beatrician R. Gusman, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles A. O'Hara	Sedgwick
78,917	Thomas Woodberry, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
STATES TO THE STATE OF THE STATES OF THE STA		al Argument	
77,622	State of Kansas, Appellee, v.	Attorney General District Attorney	Johnson
78,344	Lawrence O. Johnson, Appellant. Anthony R. Edwards, Appellant, v.	Jessica R. Kunen, Chief A.D. Stephen B. Plummer Attorney General	Sedgwick
	State of Kansas, Appellee.	Debra S. Peterson, Asst. D.A.	
78,737	State of Kansas, Appellee, v. Brent L. Ledford, Appellant.	Attorney General Timothy J. Chambers, C.A. Jessica R. Kunen, Chief A.D.	Reno
78,792	State of Kansas, Appellee, v. Michael Sullivan, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Wyandotte
			Carol G. Gree

Carol G. Green Clerk of the Appellate Courts

Kansas Commission on Governmental Standards and Conduct

Opinion No. 1998-11

Written June 18, 1998, to Fred W. Johnson, Labette County Counselor, Oswego.

This opinion is in response to your letter of June 17, 1998, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local level conflict of interest laws (K.S.A. 75-4301a *et seq.*). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 75-4301a *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as the Labette County Counselor. You advise us that Labette County received a strategic planning grant from the Kansas Department of Commerce and Housing. The grant application was a joint venture with the City of Parsons. Larry Eller, a city employee, was involved in the grant application process. Upon receipt of the grant, Mr. Eller developed, with county approval, a Request for Qualifications for the consultant who would help with the implementation of the grant. He then caused these requests to be solicited by the appropriate advertising and mailings. Ultimately, the only person who responded to the solicitation was Mr. Eller.

Question

Is it a conflict of interest for a local governmental official to draft a bid request for a position, respond to the bid request and ultimately receive the position?

Opinion

K.S.A. 75-4304 applies to your question. That section in pertinent part states:

- (a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.
- (d) This section shall not apply to the following: (1) Contracts let after competitive bidding has been advertised for by published notice. . . .

In applying this language to your question, under subsection (d), so long as the Request for Qualifications was let after a competitive bid which was properly advertised, this situation would not be an actual violation of the local level conflict of interest laws; however, we would bring to your attention that members of the public might consider this situation to have the appearance of a conflict of interest. The commission does note that this opinion does not address the issue of what constitutes a "competitive bid" since that would require a review of statutes not under our jurisdiction. We suggest you contact the Attorney General's office for guidance on that particular issue.

Opinion No. 1998-12

Written June 18, 1998, to Cynthia Lane, Kansas Department on Aging, Emporia.

This opinion is in response to your letter of June 16, 1998, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 et seq.). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as a staff member of the Kansas Department on Aging (KDOA). You advise us that your agency awards grants through contracts to Area Agencies on Aging (AAA) that apply for the grants. The AAA then provides in-home services to the elderly as dictated by state statute. According to the statutes that you provided with your opinion request (Kansas Senior Care Act, K.S.A. 75-5926 et seq.), only an AAA may receive such a grant, and the amount of the grant is established by law. In addition, the procedure for awarding of grants is also governed by that particular Act. You are concerned that since you participate in the making of these contracts you would be prohibited from terminating state employment and then accepting a job with an AAA until two years had passed.

Question

Is a member of the KDOA, who has participated in the making of a contract governed by state statute with an AAA, prohibited from terminating state employment and then accepting a position with the AAA?

Opinion

K.S.A. 46-233, as amended by the 1997 Session Laws of Kansas, Chapter 155, Sec. 2, in pertinent part states:

- (a)(2) Except as otherwise provided in this subsection, whenever any individual has participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employement with such person or business as an employee, independent contractor or subcontractor until two years after performance of the contract is completed or until two years after the individual terminates employment as a state officer or employee, whichever is sooner.
- (d) Subsections (a) and (b) shall not apply to the following: . . . (2) Contracts for property or services for which the price or rate is fixed by law.

Under subsection (a), state officers and employees are prohibited from participating in the making of a contract with a person or business and then terminating state employment and accepting a position with that person or business. However, subsection (d)(2) clearly states an exception for situations in which the price or rate of the contract is fixed by law.

Based on the information that you provided in your opinion request, it appears that the price or rate of the KDOA and AAA contracts are fixed by law. Therefore, the exception in subsection (d)(2) would apply. Thus, the

(continued)

prohibition in subsection (a) would not apply, and you would not be prohibited from accepting employment with an AAA immediately upon termination of state employment.

Opinion No. 1998-13

Written June 18, 1998, to Evelyn McCormick, Coordinator, KS Case Mix Project, Kansas Department on Aging, Topeka.

This opinion is in response to your letter of June 12, 1998, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 et seq.). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as the coordinator for the KS Case Mix Project for the Department on Aging. You advise us that as part of your state duties you provide information to nursing homes to facilitate a transition from the current Medicare payment system to the new Medicare Prospective Payment System (PPS). The Case Mix Project will end on November 15, 1998. You also do some work with Medicaid programs that do not receive Medicare funding. You do not have any responsibilities for Medicare certification, state licensure, policies, procedures or reimbursements as the Medicare program is completely regulated by the federal government.

You further advise us that you have established a private business that would offer consulting services to nursing home facilities. Your consulting would only be on the Medicare program and not the Medicaid program. In addition, you will not market or consult with any Kansas nursing facilities until after the ending of the KS Case Mix Project on November 15, 1998. You will seek an additional opinion from this commission if a Kansas nursing home desires to hire you after that date.

Ouestion

Is it a conflict of interest for you to provide consulting services to out-of-state nursing home facilities?

Opinion

We have reviewed the state level conflict of interest laws, and two sections may apply to your question. K.S.A. 46-235 in pertinent part states:

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. No person shall pay or offer to pay any state officer or employee any compensation for performance of official duties, except a state officer or employee performing official duties in making payments to state officers and employees. . . .

K.S.A. 46-233(a) in pertinent part states:

No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest. . . .

In applying this language to your question, so long as it is not part of your official state duties to provide PPS information to out-of-state facilities, then K.S.A. 46-235 would not prohibit you from accepting compensation to provide consulting services to such out-of-state facilities. In addition, so long as you do not, in your capacity as a state employee, participate in the making of any contracts between the state and your private consulting business, or between the state and any of the out-of-state facilities, then K.S.A. 46-233 would not apply.

In closing, the commission notes that this opinion is limited to the question of your ability to provide consulting services to out-of-state nursing home facilities. As you mentioned in your request letter, if you desire to contract with in-state facilities in the future, you will need to seek a further opinion from the commission.

Opinion No. 1998-14

Written June 18, 1998, to the Honorable Janis Lee, Kansas State Senator, 36th District, Kensington.

This opinion is in response to your letter of June 1, 1998, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 et seq.). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 et seq., and whether some other statutory system, common law theory, or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as a Kansas State Senator. You have been asked to deliver the keynote address at the annual meeting of Rural Telephone Service Co., Inc. regarding the history of the industry and what you foresaw in the future for the industry. You advise us that you spent more than twenty-five hours researching the history and future trends of the industry and then translating that information into a speech.

The company has offered you a \$500 honorarium as a token of appreciation for your participation at the meeting. Since you were aware that legislators are limited to accepting no more than \$200 without the approval of the commission, you are seeking this opinion before accepting the honorarium.

Ouestion

Is it permissible for you to accept the \$500 honorarium for delivering the keynote presentation at the Rural Telephone Service Co., Inc. annual meeting?

Opinion

K.S.A. 46-237(f) applies to your question. That subsection states:

No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the Kansas commission on governmental standards and conduct prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

In KCGSC Opinion No. 1997-51, the commission opined that the amount of honorarium that could be paid to a legislator for the preparation and presentation of materials at a speaking engagement would depend on the following factors: amount of preparation, complexity of issues, qualifications of the presenter and the extent of the presenter's participation in the event. The commission stated that it would ". . . presume a maximum of \$100 for preparation and a maximum of \$100 for presentation. . . ." Anyone seeking an additional amount ". . . shall request a waiver from the Commission."

Applying the factors outlined in KCGSC Opinion No. 1997-51 to the brief information you provided in your opinion request, the commission believes the monetary limits set out in that opinion should not be waived. Thus you could accept up to \$200 for delivering the keynote presentation.

In closing, the commission notes that since you are providing a bona fide speaking service at the meeting, the company could pay for all of your reasonable expenses.

> Diane Gaede Chairwoman

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